

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 60
97TH GENERAL ASSEMBLY

Reported from the Committee on Jobs, Economic Development and Local Government, May 15, 2013, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0505S.02C

AN ACT

To repeal section 71.285, RSMo, and to enact in lieu thereof two new sections relating to municipal ordinances in certain cities.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 71.285, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 71.285 and 77.675, to read as
3 follows:

71.285. 1. Whenever weeds or trash, in violation of an ordinance, are
2 allowed to grow or accumulate, as the case may be, on any part of any lot or
3 ground within any city, town or village in this state, the owner of the ground, or
4 in case of joint tenancy, tenancy by entireties or tenancy in common, each owner
5 thereof, shall be liable. The marshal or other city official as designated in such
6 ordinance shall give a hearing after ten days' notice thereof, either personally or
7 by United States mail to the owner or owners, or the owner's agents, or by posting
8 such notice on the premises; thereupon, the marshal or other designated city
9 official may declare the weeds or trash to be a nuisance and order the same to be
10 abated within five days; and in case the weeds or trash are not removed within
11 the five days, the marshal or other designated city official shall have the weeds
12 or trash removed, and shall certify the costs of same to the city clerk, who shall
13 cause a special tax bill therefor against the property to be prepared and to be
14 collected by the collector, with other taxes assessed against the property; and the
15 tax bill from the date of its issuance shall be a first lien on the property until
16 paid and shall be prima facie evidence of the recitals therein and of its validity,
17 and no mere clerical error or informality in the same, or in the proceedings
18 leading up to the issuance, shall be a defense thereto. Each special tax bill shall

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 be issued by the city clerk and delivered to the collector on or before the first day
20 of June of each year. Such tax bills if not paid when due shall bear interest at
21 the rate of eight percent per annum. Notwithstanding the time limitations of this
22 section, any city, town or village located in a county of the first classification may
23 hold the hearing provided in this section four days after notice is sent or posted,
24 and may order at the hearing that the weeds or trash shall be abated within five
25 business days after the hearing and if such weeds or trash are not removed
26 within five business days after the hearing, the order shall allow the city to
27 immediately remove the weeds or trash pursuant to this section. Except for lands
28 owned by a public utility, rights-of-way, and easements appurtenant or incidental
29 to lands controlled by any railroad, the department of transportation, the
30 department of natural resources or the department of conservation, the provisions
31 of this subsection shall not apply to any city with a population of at least seventy
32 thousand inhabitants which is located in a county of the first classification with
33 a population of less than one hundred thousand inhabitants which adjoins a
34 county with a population of less than one hundred thousand inhabitants that
35 contains part of a city with a population of three hundred fifty thousand or more
36 inhabitants, any city with a population of one hundred thousand or more
37 inhabitants which is located within a county of the first classification that adjoins
38 no other county of the first classification, or any city, town or village located
39 within a county of the first classification with a charter form of government with
40 a population of nine hundred thousand or more inhabitants, or any city with a
41 population of three hundred fifty thousand or more inhabitants which is located
42 in more than one county, or the City of St. Louis, where such city, town or village
43 establishes its own procedures for abatement of weeds or trash, and such city may
44 charge its costs of collecting the tax bill, including attorney fees, in the event a
45 lawsuit is required to enforce a tax bill.

46 2. Except as provided in subsection 3 of this section, if weeds are allowed
47 to grow, or if trash is allowed to accumulate, on the same property in violation of
48 an ordinance more than once during the same growing season in the case of
49 weeds, or more than once during a calendar year in the case of trash, in any city
50 with a population of three hundred fifty thousand or more inhabitants which is
51 located in more than one county, in the City of St. Louis, in any city, town or
52 village located in a county of the first classification with a charter form of
53 government with a population of nine hundred thousand or more inhabitants, in
54 any fourth class city located in a county of the first classification with a charter

55 form of government and a population of less than three hundred thousand, or in
56 any home rule city with more than one hundred thirteen thousand two hundred
57 but less than one hundred thirteen thousand three hundred inhabitants located
58 in a county with a charter form of government and with more than six hundred
59 thousand but less than seven hundred thousand inhabitants, the marshal or other
60 designated city official may order that the weeds or trash be abated within five
61 business days after notice is sent to or posted on the property. In case the weeds
62 or trash are not removed within the five days, the marshal or other designated
63 city official may have the weeds or trash removed and the cost of the same shall
64 be billed in the manner described in subsection 1 of this section.

65 3. If weeds are allowed to grow, or if trash is allowed to accumulate, on
66 the same property in violation of an ordinance more than once during the same
67 growing season in the case of weeds, or more than once during a calendar year
68 in the case of trash, in any city with a population of three hundred fifty thousand
69 or more inhabitants which is located in more than one county, in the City of St.
70 Louis, in any city, town or village located in a county of the first classification
71 with a charter form of government with a population of nine hundred thousand
72 or more inhabitants, in any fourth class city located in a county of the first
73 classification with a charter form of government and a population of less than
74 three hundred thousand, in any home rule city with more than one hundred
75 thirteen thousand two hundred but less than one hundred thirteen thousand
76 three hundred inhabitants located in a county with a charter form of government
77 and with more than six hundred thousand but less than seven hundred thousand
78 inhabitants, in any third class city with a population of at least ten thousand
79 inhabitants but less than fifteen thousand inhabitants with the greater part of
80 the population located in a county of the first classification, in any city of the
81 third classification with more than sixteen thousand nine hundred but less than
82 seventeen thousand inhabitants, [or] in any city of the third classification with
83 more than eight thousand but fewer than nine thousand inhabitants, **in any city**
84 **of the third classification with more than fifteen thousand but fewer**
85 **than seventeen thousand inhabitants and located in any county of the**
86 **first classification with more than sixty-five thousand but fewer than**
87 **seventy-five thousand inhabitants, or in any city of the fourth**
88 **classification with more than eight thousand but fewer than nine**
89 **thousand inhabitants and located in any county of the third**
90 **classification without a township form of government and with more**

91 **than eighteen thousand but fewer than twenty thousand inhabitants,**
92 the marshal or other designated official may, without further notification, have
93 the weeds or trash removed and the cost of the same shall be billed in the manner
94 described in subsection 1 of this section. The provisions of subsection 2 and this
95 subsection do not apply to lands owned by a public utility and lands,
96 rights-of-way, and easements appurtenant or incidental to lands controlled by any
97 railroad.

98 4. The provisions of this section shall not apply to any city with a
99 population of one hundred thousand or more inhabitants which is located within
100 a county of the first classification that adjoins no other county of the first
101 classification where such city establishes its own procedures for abatement of
102 weeds or trash, and such city may charge its costs of collecting the tax bill,
103 including attorney fees, in the event a lawsuit is required to enforce a tax bill.

77.675. 1. In addition to the process for passing ordinances
2 **provided in section 77.080, the council of any city of the third**
3 **classification with more than fifteen thousand but fewer than seventeen**
4 **thousand inhabitants and located in any county of the second**
5 **classification with more than sixty-five thousand but fewer than**
6 **seventy-five thousand inhabitants may adopt or repeal any ordinance**
7 **by passage of a bill that sets forth the ordinance and specifies that the**
8 **ordinance so proposed shall be submitted to the registered voters of the**
9 **city at the next municipal election. The bill shall be passed pursuant**
10 **to the procedures in section 77.080, except that it shall take effect upon**
11 **approval of a majority of the voters rather than upon the approval and**
12 **signature of the mayor.**

13 2. If the mayor approves the bill and signs it, the question shall
14 be submitted to the voters in substantially the following form:

15 Shall the following ordinance be (adopted) (repealed)? (Set out
16 ordinance.)

17 ☐ YES ☐ NO

18 3. If a majority of the voters voting on the proposed ordinance
19 vote in favor, such ordinance shall become a valid and binding
20 ordinance of the city.